



Reprinted
February 17, 2009

HOUSE BILL No. 1162

DIGEST OF HB 1162 (Updated February 16, 2009 1:58 pm - DI 44)

Citations Affected: IC 13-15; IC 13-26.

Synopsis: Environmental permits and local governments. Provides that if a person has been issued a permit by the department of environmental management to construct, install, or operate a facility, equipment, or a device, the person may not start the construction, installation, operation, or modification of the facility, equipment, or device until the person has obtained any approval required by any county, city, or town in which the facility, equipment, or device is located. Allows the board of a regional water, sewer, or solid waste district to adopt an ordinance allowing payment of certain claims in advance of board allowance.

Effective: July 1, 2009.

Tyler, Dodge, Dvorak

January 12, 2009, read first time and referred to Committee on Environmental Affairs.
February 9, 2009, amended, reported — Do Pass.
February 16, 2009, read second time, amended, ordered engrossed.

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HB 1162—LS 6975/DI 69+



Reprinted
February 17, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1162

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-15-3-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. **(a)** Whenever a
3 permit is required by any rule of one (1) of the boards under IC 13-15-1
4 for the construction, installation, operation, or modification of any
5 facility, equipment, or device, the permit may be issued only after the
6 department staff has:
7 (1) approved the plans and specifications; and
8 (2) determined that the facility, equipment, or device meets the
9 requirement of the rule.
10 **(b) Notwithstanding subsection (a), a person to whom a permit**
11 **has been issued may not start the construction, installation,**
12 **operation, or modification of a facility, equipment, or a device until**
13 **the person has obtained any approval required by any:**
14 (1) county;
15 (2) city; or
16 (3) town;
17 **in which the facility, equipment, or device is located.**

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SECTION 2. IC 13-26-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 9. (a) A board may adopt an ordinance allowing money to be disbursed for lawful district purposes under this section.**

(b) Notwithstanding IC 5-11-10, with the prior written approval of the board, the fiscal officer of the district may make claim payments in advance of board allowance for the following kinds of expenses if the board has adopted an ordinance under subsection (a):

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.**
- (2) License or permit fees.**
- (3) Insurance premiums.**
- (4) Utility payments or utility connection charges.**
- (5) General grant programs for which advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.**
- (6) Grants of state funds authorized by statute.**
- (7) Maintenance or service agreements.**
- (8) Leases or rental agreements.**
- (9) Bond or coupon payments.**
- (10) Payroll.**
- (11) State or federal taxes.**
- (12) Expenses that must be paid because of emergency circumstances.**
- (13) Expenses described in an ordinance.**

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the fiscal officer of the district.

(d) The board shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1162, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, after "5." insert "(a)".

Page 1, line 7, reset in roman "and".

Page 1, line 9, delete "; and" and insert ".".

Page 1, delete lines 10 through 14, begin a new paragraph and insert:

"(b) Notwithstanding subsection (a), a person to whom a permit has been issued may not start the construction, installation, operation, or modification of a facility, equipment, or a device until the person has obtained any approval required by any:

(1) county;

(2) city; or

(3) town;

in which the facility, equipment, or device is located."

and when so amended that said bill do pass.

(Reference is to HB 1162 as introduced.)

DVORAK, Chair

Committee Vote: yeas 11, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1162 be amended to read as follows:

Page 1, after line 17, begin a new paragraph and insert:

"SECTION 2. IC 13-26-5-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 9. (a) A board may adopt an ordinance allowing money to be disbursed for lawful district purposes under this section.**

(b) Notwithstanding IC 5-11-10, with the prior written approval of the board, the fiscal officer of the district may make claim payments in advance of board allowance for the following kinds of expenses if the board has adopted an ordinance under subsection (a):

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- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.
- (2) License or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connection charges.
- (5) General grant programs for which advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.
- (6) Grants of state funds authorized by statute.
- (7) Maintenance or service agreements.
- (8) Leases or rental agreements.
- (9) Bond or coupon payments.
- (10) Payroll.
- (11) State or federal taxes.
- (12) Expenses that must be paid because of emergency circumstances.
- (13) Expenses described in an ordinance.

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the fiscal officer of the district.

(d) The board shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense."

Renumber all SECTIONS consecutively.

(Reference is to HB 1162 as printed February 10, 2009.)

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